

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**LISA A. BIRON,**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**

**Defendant.**

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**No. CIV-25-175-JD**

**REPORT AND RECOMMENDATION**

Plaintiff, a federal prisoner appearing pro se, has filed a motion to proceed in forma pauperis (IFP) under 28 U.S.C. § 1915. Doc. 2. United States District Judge Jodi W. Dishman referred this Federal Tort Claims Act (FTCA) case to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). Doc. 4. Having reviewed the IFP motion, the undersigned finds that Plaintiff has sufficient funds to prepay the \$405.00 filing fee.<sup>1</sup>

Plaintiff's institutional account statement reflects a current balance of \$777.28 with an average daily balance of \$823.47 and deposits of \$1,641.00 over the last six months. Doc. 2, Att. 1, at 1-2. So she does not qualify for authorization to proceed without prepayment of the filing fee. The undersigned

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<sup>1</sup> The filing fee is \$350.00. See 28 U.S.C. § 1914(a). In addition, an administrative fee of \$55.00 must be paid. See *Judicial Conf. Sched. of Fees, Dist. Ct. Misc. Fee Sched.* ¶ 14.

therefore recommends the Court deny Plaintiff's motion and order her to prepay the full filing fee for this action to proceed. 28 U.S.C. § 1914(a); *see also* LCvR3.3(d). The undersigned further recommends that the Court dismiss this action without prejudice to refiling unless Plaintiff pays the filing fee in full to the Clerk of the Court within twenty-one days of any order adopting this Report and Recommendation. *See* LCvR3.3(e).

The undersigned advises Plaintiff that she may file an objection to this Report and Recommendation with the Clerk of this Court by March 5, 2025. The undersigned further advises Plaintiff that failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F. 2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in this matter.

**ENTERED** this 12th day of February, 2025.

  
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SUZANNE MITCHELL  
UNITED STATES MAGISTRATE JUDGE